

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

ROBERT CONTI, 98-A-2070

Plaintiff,

-against-

GARY H. FILION; MR. GRAHAM; CAPTAIN DIRIE;
CAPTAIN COTSONAS,

Defendants.

**STIPULATION OF
DISCONTINUANCE
PURSUANT TO RULE
41(A)**

04-CV-1218

FJS/DRH

IT IS HEREBY STIPULATED AND AGREED by and between the undersigned, the plaintiff and the attorney for Defendants Gary H. Filion, Harold D. Graham, Arthur Dirie, and Gary Cotsonas, parties to the above entitled-action, that, whereas no party hereto is an infant or incompetent person for whom a committee has been appointed, and no person not a party has an interest in the subject matter of the action, the above-entitled action be and the same hereby is discontinued with prejudice.

1. Plaintiff discontinues this action with prejudice and without damages, costs, interest or attorneys fees, and discharges and releases Defendants Gary H. Filion, Harold D. Graham, Arthur Dirie, and Gary Cotsonas and the State of New York, including its agencies, subdivisions, employees, private contractors or assignees, of any and all claims, demands, or causes of actions, known or unknown, now existing or hereafter arising, whether presently asserted or not, which relate in any way to the subject matter of this action, and further agrees to discontinue and/or not to commence or to pursue in any court, arbitration or administrative proceeding, any litigation or claims against the defendants and others released hereby pertaining to the underlying facts, circumstances

or incidents that gave rise to the aforementioned action, or any results of the aforementioned facts, circumstances or incidents.

2. Defendants discharge and release plaintiff from any and all claims, demands, or causes of actions, known or unknown, now existing or hereafter arising, whether presently asserted or not, which relate in any way to the subject matter of this action.

3. This action is hereby discontinued with prejudice pursuant to Rule 41(a) of the Federal Rules of Civil Procedure.

4. The foregoing constitutes the entire agreement of the parties.

Dated: Collins, New York
October 26, 2006



Robert Conti
98A2070
Plaintiff pro se
Collins Correctional Facility
P.O. Box 490
Collins, NY 14034-0490




NEIL F. MANCUSO
Notary Public in the State of New York
2006-01-01 to 2010-01-01
2010

Dated: Albany, New York
October 26, 2006

ELIOT SPITZER
Attorney General of the State of New York
Attorney for Defendants Gary H. Fillion, Harold D.
Graham, Arthur Dirie and Gary Cotsonas
The Capitol
Albany, New York 12224-0341

By: /s/ Risa L. Viglucci

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so ordered.

U. S. M. J.
11/17/06